

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with David Fairbairn on 19 October 2009.
3. The application has been amended as follows: claims 20 and 21 have been cancelled.

Allowable Subject Matter

1. Claims 1-19 are allowed.
2. The following is an examiner's statement of reasons for allowance: the examiner agrees with the applicant in regards to the novelty and non-obviousness of the invention.
3. The claims are drawn towards connecting a serial device to a LAN via drivers on a host computer and firmware on a device server. Within this environment, the device server comprises a dual memory structure of FIFO registers and memory queues, wherein the serial port data normally goes to the queue, but may bypass the queue if the queue is empty.
4. Of the known art involving dual memory structures in the aforementioned embodiment, the art actually teaches away from the claims as currently drawn. In dual memory systems involving both FIFOs and queues, the queue is used either as an alternative (i.e. Ruberg's queuing for non-available devices) or as some other form of protection, meaning that bypassing the queue would be discouraged. Much of the art in fact teaches that an empty queue sends

signals of availability, and/or provides the system to queue balance by moving data from a full queue to an empty one. Therefore, the claims as currently drawn are novel and non-obvious.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELVIN H. POLLACK whose telephone number is (571)272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. H. P./
Examiner, Art Unit 2445
01 October 2009

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445